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Robert Bezner

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SHAW PITTMAN

IP GROUP

1650 TYSONS BOULEVARD

SUITE 1300

MCLEAN, VA 22102

EXAMINER

ELAHEE, MD S

ART UNIT

PAPER NUMBER

2645

DATE MAILED: 09/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|--------------------------------------|--|
| Office Action Summary | Application No. 09/961,411 | Applicant(s) BEZNER ET AL. | |
| | Examiner Md S Elahee | Art Unit 2645 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-10 and 26-33 is/are allowed.
- 6) ☒ Claim(s) 11-25 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Response to Amendment

1. This action is responsive to an amendment filed 06/21/04. Claims 1-33 are pending.

Response to Arguments

2. Applicant's arguments mailed on 06/21/04 have been fully considered but are moot in view of the new ground(s) of rejection which is deemed appropriate to address all of the needs at this time.

Claim Objections

3. Claim 11 is objected to because of the following informalities: the word 'calls' used in the preamble appears to be the word 'call'. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 11, 12 and 15-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Rogers et al. (U. S. Patent No. 6,785,379).

Regarding claim 11, Rogers teaches establishing a telephone call between a caller and a system user (i.e., member) of a Call Management System (i.e., subscriber) (fig. 1; col. 11, lines 25-31, 33-39).

Rogers further teaches receiving a typed phone number (i.e., sequence of key strokes) from the system user who uses a customer premises equipment during the call (col. 13, lines 24-30).

Rogers further teaches transferring the call from the user telephone instrument (i.e., customer premises equipment) to a call management computer 101 (i.e., component) in the telephone network (col. 10, lines 42-50, col. 13, lines 24-42).

Rogers further teaches reviewing, by the call management computer 101, a Call Management System list related to the Call Management System based at least in part on the typed phone number (col. 13, lines 24-42). (Note; from the transfer message the call management computer determines the transfer destination by inherently reviewing the system users list)

Rogers further teaches re-terminating the call from the component (col. 13, lines 31-42).

Regarding claim 12, Rogers teaches storing the Call Management System list within the telephone network (col. 9, lines 13-22).

Regarding claim 15, Rogers teaches the call is re-terminated to the customer premises equipment (col. 13, lines 31-42).

Regarding claim 16, Rogers teaches that the call is picked up by voice mail (i.e., one of an answering machine and a fax machine) (col. 13, lines 50-54).

Regarding claim 17, Rogers teaches the call is picked up by a second system user (i.e., member) of the subscriber (col.13, lines 31-42).

Regarding claim 18, Rogers teaches that the sequence of keystrokes is associated with an intended member of the subscriber (col.13, lines 31-42).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rogers et al. (U. S. Patent No. 6,785,379) and in view of Pershan (U.S. Pub. No. 2002/0034289).

Regarding claim 13, Rogers fails to teach "the sequence of keystrokes comprises a flash key of the customer premises equipment". Pershan teaches that the sequence of keystrokes comprises a inherently flash key of the customer premises equipment (page 2, paragraph 0016). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rogers to have the sequence of keystrokes comprising a flash key of the customer premises equipment as taught by Pershan. The motivation for the modification is to have doing so in order to make a transfer of the call.

Regarding claim 14, Rogers teaches that the sequence of keystrokes further comprises one or more number keys of the customer premises equipment (fig.1, fig.2; col.5, lines 30-38, 64, 65).

Art Unit: 2645

8. Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rogers et al. (U. S. Patent No. 6,785,379) and in view of Parker (U.S. Patent No. 5,661,791).

Regarding claim 19, Rogers fails to teach "the call is re-terminated with a distinctive ringing tone associated with the intended member". Parker teaches that the call is re-terminated with a distinctive ringing tone associated with the intended member (col.7, lines 25-35). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rogers to have the call being re-terminated with a distinctive ringing tone associated with the intended member as taught by Parker. The motivation for the modification is to have doing so in order to make a transfer of the call to the listed member.

Regarding claim 20, Rogers fails to teach "the call is re-terminated to a voice mailbox associated with the intended member". Parker teaches that the call is re-terminated to a voice mailbox associated with the intended member (col.7, line 60-col.8, line 9). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rogers to have the call being re-terminated to a voice mailbox associated with the intended member as taught by Parker. The motivation for the modification is to have doing so in order to complete the call to a default number.

9. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rogers et al. (U. S. Patent No. 6,785,379) and in view of Carrion et al. (U. S. Patent No. 6,611,585).

Regarding claim 21 is rejected for the same reasons as discussed above with respect to claims 11 and 18. Furthermore, Rogers teaches creating a Call Management

Art Unit: 2645

System (i.e., subscriber) list comprising system user (i.e., member) information related to a multi-user Call Management System (fig.1; col.9, lines 12-33, col.13, lines 11-14).

Rogers teaches system user or called party (i.e., member) terminates call by hanging up (col.13, lines 11-14, col.14, lines 43-52). However, Rogers does not specifically teach "instructing the answering member to hang up". Carrion teaches sending release acknowledgement (i.e., instructing) the operator (i.e., answering member) to hang up (fig.1; col.3, lines 51-57). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rogers to instruct the answering member to hang up as taught by Carrion. The motivation for the modification is to have doing so in order to bridge the two calls together.

10. Claims 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rogers et al. (U. S. Patent No. 6,785,379) and in view of Carrion et al. (U. S. Patent No. 6,611,585) and further in view of Parker (U.S. Patent No. 5,661,791).

Regarding claim 22 and 23 are rejected for the same reasons as discussed above with respect to claims 19 and 20 simultaneously.

Regarding claim 24, Rogers in view of Carrion fails to teach "the telephone network is an advanced intelligent network". Parker teaches that the telephone network is an advanced intelligent network (abstract; fig.1; col.5, line 65-col.6, line 4). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rogers in view of Carrion to allow the telephone network being an advanced intelligent network as taught by Parker. The motivation for the modification is to have doing so in order to enable the subscriber to establish an easily changed plan for call completion.

Art Unit: 2645

Regarding claim 25, Rogers in view of Carrion fails to teach "the component is a service node". Parker teaches that the component is a central office (i.e., service node) (abstract; fig.1; col.5, line 65-col.6, line 4, col.6, line 56-col.7, line 8). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rogers in view of Carrion to allow the component being a service node as taught by Parker. The motivation for the modification is to have doing so in order to serve the telephone to complete the call.

Reasons for Allowance

11. Claims 1-10 and 26-33 are allowed.
12. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 1, prior art fails to teach, when a member of the subscriber presses one key on the customer premises equipment during a call between the member and a caller, the service switching point forwards the call to a service node based on the query for the key input and the service node re-routes the forwarded call to the subscriber.

Regarding claim 26, prior art fails to teach, detecting a sequence of key strokes from an answering member of a subscriber during a call between the member and a caller, the service switching point transfers the call to a service node based on the query for the key input after reviewing the member information and the service node re-routes the transferred call in accordance with the member information.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wurster et al. (U.S. Patent No. 6,459,780) teach Methods and apparatus for providing a called party call disposition options in real time and Robinson et al. (U.S. Patent No. 5,533,102) teach Telephone auto attendant system for delivering chosen greetings to callers while on the phone.

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Md S Elahee whose telephone number is (703) 305-4822. The examiner can normally be reached on Mon to Fri from 8:30am to 5:00pm.

Art Unit: 2645

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M.E.

MD SHAFIUL ALAM ELAHEE

September 7, 2004

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

A handwritten signature in black ink, appearing to read 'Fan Tsang', written over the printed name and title.